

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COMMISSIONER OF HEALTH

In the Matter of the Temporary Suspension
of the Class A Professional Home Care
Agency License and Class F Home Care
Provider License Issued to Mayfair
Home Health Services, Inc.

PROTECTIVE ORDER

The Minnesota Department of Health requested a Protective Order in the above matter limiting disclosure of data classified as not public under the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13 and other applicable law, closing the review in this proceeding, and sealing the review record as necessary to maintain the not public nature of private and confidential data.

Based upon all the files and proceedings, it is appropriate to issue a Protective Order. This Order is issued pursuant to Minn. Stat. §§ 13.03, subd. 6, and 14.60, subd. 2, and Minn. R. 1400.6700, subp. 4. This Order prohibits the disclosure of data classified as “not public,” under Minn. Stat. § 13.41; 626.557-.5572; 144.654, subd. 3; 144.335; 144A.46, subd. 5; or other applicable law, to persons not bound by this Protective Order, as set forth below. Therefore, the Administrative Law Judge hereby enters the following:

ORDER

1. Disclosure of not public data is permitted in this matter but is limited to the undersigned Administrative Law Judge, employees of the Department of Health, the officers and employees of the licensee, counsel of record, employees assisting counsel in preparation of the case, witnesses subpoenaed or otherwise called to testify at the hearing, and other persons to whom the not public data must be disclosed in order to adequately prepare for the hearing in this matter.

2. Data subject to this Protective Order includes data classified as “not public” under Minn. Stat. § 13.41 (licensing data); the Vulnerable Adults Act, Minn. Stat. §§ 626.557-.5572; Minn. Stat. § 144.653, subd. 3 (identities of clients); Minn. Stat. § 144.335 (health records); Minn. Stat. § 144A.46, subd. 5 (background checks); or other applicable law, and includes all such data contained in documents and records that become a part of the hearing record, including any written post-hearing submissions, the transcript, the recommended decision of the Administrative Law Judge, and the final decision of the Commissioner of Health.

3. Any person bound, as described by this Protective Order in paragraph No. 1, is prohibited from disclosing any of the data subject to this Protective Order to anyone other than those persons identified in paragraph No.1 above.

4. Nothing in this order is intended to limit the availability of judicial review of the Commissioner's final order as provided by Minn. Stat. §§ 14.63-.69.

Dated: October 12, 2007

s/Kathleen D. Sheehy

KATHLEEN D. SHEEHY
Administrative Law Judge